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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/524,222	08/04/2005	Paul Steabben Hepworth	20050197.ORI	4099

7590 06/02/2006

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Minneapolis, MN 55402-3813

EXAMINER
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SCRUGGS, ROBERT J

ART UNIT	PAPER NUMBER
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3723

DATE MAILED: 06/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/524,222

Applicant(s)

HEPWORTH, PAUL STEABBen

Examiner

Robert Scruggs

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6 and 8-15 is/are pending in the application.
- 4a) Of the above claim(s) 7 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-9 and 12-15 is/are rejected.
- 7) ☒ Claim(s) 5, 10 and 11 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 February 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☒ Certified copies of the priority documents have been received in Application No. 0218543.7.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 2/8/05.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Priority***

1. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Application No. 0218543.7, filed on August 9, 2002.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 4, 6 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Glasser et al. (4259814). Glasser et al. discloses a sharpening apparatus comprising, a detachable cradle (Figure 1) (18) mounted on first (74) and second (76) guide rails for rectilinear path (movement) and including first (84, 86) and second (88) rail followers slidably connected to said first and second guide rails at first and second locations respectively, wherein said first and second rail followers are adjustable mounted to enable the angular position of the cradle to be adjusted about the longitudinal axis of the first rail to enable the angle of the inclined face of the implement to be adjusted relative to the rectilinear path, a mounting body (20) which mounts the cradle relative to a grinding surface (52), a seat (60) for locating a blade like implement at a pre-selected reference position on the cradle such that the cutting edge of the implement to be sharpened is located parallel to said rectilinear path, the first rail and/or

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first rail follower being adjustable mounted to enable the lateral position of the rectilinear path to be adjusted when the apparatus is in use.

Regarding method claim 15, Glasser et al. discloses a method for sharpening a blade like implement comprising the following steps:

- a. inserting a blade like implement to be sharpened into a cradle;
- b. moving the first rail to adjust the lateral position of the rectilinear path as desired;
- c. adjusting the second rail follower to enable the angular position of the cradle to be adjusted to that desired level relative to the rectilinear path;
- d. contacting the cutting edge of the cutting implement with said sharpening device; and
- e. pivoting the cradle about the first rail for inspection of the implement during the sharpening process (Column 3, Line 51-Column 4, Line 34).

***Claim Rejections - 35 USC § 103***

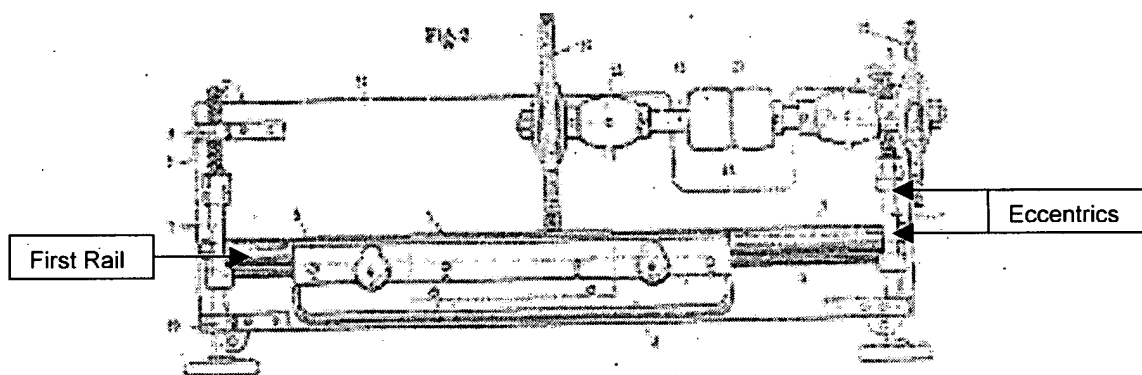
4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2, 3, 8, 9 and 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Glasser et al. (4259814) in view of Girard (FR 615617). Glasses et al. disclose the claimed invention previously mentioned above, but lacks, a first rail

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movably mounted on an eccentric rotatably supported in the mounting body, adjustment of the lateral position of the rectilinear path being achieved by rotation of the eccentrics. However, Girard discloses a first rail (See Figure Below) movably mounted on an eccentric rotatably supported in the mounting body, adjustment of the lateral position of the rectilinear path being achieved by rotation of the eccentrics.



### ***Allowable Subject Matter***

6. Claims 5, 10, and 11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Conclusion***


7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Williams (4092805) discloses apparatus for sharpening microtome blades where an angular adjusting device is used to position the blade at various angles.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert Scruggs whose telephone number is 571-272-8682. The examiner can normally be reached on Monday-Friday, 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Hail can be reached on 571-272-4485. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



DAVID B. THOMAS  
PRIMARY EXAMINER

RS